

Minutes of a Regular Meeting

March 20, 2003

Town of Los Altos Hills

City Council Regular Meeting

Thursday, March 20, 2003, 6:00 P.M.
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Fenwick called the Regular Meeting of the City Council to order at 6:04 p.m. in the Council Chambers at Town Hall.

Present: Mayor Fenwick, Mayor Pro Tem Cheng and Councilmembers O'Malley, Kerr and Warshawsky
Absent: None
Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, City Engineer/Director of Public Works Mintze Cheng, Administrative Services Director Sarah Joiner, and City Clerk Karen Jost
Press: Tim Seyfert, Los Altos Town Crier

Mayor Fenwick asked the Council and public to join him in a moment of silence before the Pledge of Allegiance to reflect on current events and our Country's challenges.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Cheng and passed unanimously to limit the length of time for public comments to three minutes or more at the Mayor's discretion.

City Attorney Steve Mattas requested Council to add a Closed Session to the meeting agenda for the purpose of discussing a matter of litigation.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Cheng and passed unanimously to add a Closed Session to the meeting agenda for the purpose of discussing a matter of litigation.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Presentation from Housing Trust of Santa Clara Valley- Roccie Hill and Carl Guardino

Roccie Hill, Executive Director and Carl Guardino, President and CEO, of the Housing Trust of Santa Clara County addressed Council. They distributed information packets and gave a brief overview of the progress the Trust has made in providing affordable housing to residents of Santa Clara County. Hill and Guardino thanked the Council for participating as a Founder City with a donation of \$10,000 in 2001 and added that the Housing Trust has been very successful in assisting residents of Santa Clara County with affordable housing. They have provided home loans for first-time buyers; created transitional housing and shelter for people with special needs; and assisted builders with funding for low income housing projects.

In conclusion, they encouraged Council to inform City residents and Town employees of loans that are available through the Housing Trust fund for purchasing a first home in Los Altos Hills area or a surrounding community. Information about the program is available on the SVMG web site at www.svmg.org.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that at the March 13, 2003 Planning Commission meeting there had been three Public Hearings: a request for a site development permit for the replacement of an existing driveway and bridge and review of an Initial Study and Mitigated Negative Declaration, Lands of Corrigan; a request for a site development permit for landscape screening and hardscape, Lands of Mendez; and a study session on the View and Sunlight Protection Ordinance. Cahill noted that the Planning Commission had recommended approval for Lands of Corrigan and it was scheduled as a Public Hearing Item on tonight's agenda. Regarding the Lands of Mendez, the Planning Director stated that he is expecting to see the plans for the house for this project submitted in the near future. The landscaping and hardscape site development permit are for the barn that has been constructed on the property. Cahill explained that Mendez will be submitting documents for an off-road pathway easement, dedication of a conservation easement and a right-of-way dedication prior to the barn receiving its notice of completion (Final) by the Building Department.

Cahill added that the Planning Commission had completed their review of the View and Sunlight Protection Ordinance and he would report on their recommendations during discussion of the Mayor's Goals Item 5.1.4.

4. CONSENT CALENDAR

Items Removed: Item 4.6 (Jost-Kerr), Item 4.7 (Cheng) and Item 4.10 (Warshawsky)

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to approve the remainder of the Consent Calendar with Mayor Fenwick abstaining from Item 4.7 and Item 4.8:

- 4.1 Approval of Minutes: Regular City Council Meeting March 6, 2003
- 4.2 Approval of Warrants: 02/28/2003 – 03/12/2003 \$30,079.86
- 4.3 Fast Track Application: Approved by the Planning Director: Lands of Veerena, (190-02-ZP-SD-GD), a request for an addition, pool and cabana
- 4.4 Fast Track Application: Approved by the Planning Director: Lands of Brandman, (241-02-ZP-SD), a request for a new residence and pool
- 4.5 Approval of a request to modify the Site Development Permit for a secondary dwelling unit approved at a Fast Track meeting on November 5, 2002, Lands of Shantz and Simon, 13561 Hill Way
- 4.8 Approval of a request for a Site Development Permit for a 5,704 square foot new residence (maximum height 27 feet) and a variance to exceed the 27 foot height maximum as measured from the previous existing natural grade determined at the time of Tentative Map approval, Lands of Askari, 27830 Elena Road
- 4.9 Approval and Authorization of Execution of Amendment No.2 to the City Manager Employment Agreement Contract between the Town of Los Altos Hills and Maureen Cassingham Reso #16-03
- 4.11 Approval of Consultant Agreement for Corporation Yard Structural Upgrades Reso #18-03

Items Removed:

- 4.6 Approval of request for a Site Development Permit for a landscape screening plan, Lands of Leung, 27168 Moody Court

City Clerk stated she had received a letter requesting an appeal of this item from Councilmember Kerr and it will be scheduled for a Public Hearing.

- 4.7 Approval of a request for a Site Development Permit for a 1, 452 square foot addition (maximum height 25.6 feet) and a 997 square foot secondary dwelling

Mayor Pro Tem Cheng appealed this item. It will be scheduled for a Public Hearing.

4.10 Approval of Revised Standing Committee Resolution 10-03 Reso#17-03

Councilmember Warshawsky commented that he would like to amend the Open Space Committee charges as defined by the draft Resolution before Council. Warshawsky noted that under Section 5 (ii) item c, he would like to add “restoration.”

City Attorney Mattas suggested that Council may want to clarify Open Space within the Town by adding the work public.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O’Malley and passed unanimously to amend the Standing Committee Resolution Section 5 Open Space Committee (ii) c to read: “to advise and assist the work for the preservation, restoration and enhancement of public open space within the Town for the use and enjoyment of all residents.”

MOTION SECONDED AND CARRIED: Moved by O’Malley, seconded by Kerr and passed unanimously to adopt the resolution of the Town of Los Altos Hills establishing Standing Committees and adopting general and special rules pertaining thereto as amended.

5. UNFINISHED BUSINESS

5.1 Update on Mayor’s Goals

5.1.1 New Town Hall – Committee Meeting Report

Councilmember Kerr reported that the Town-wide mailer is ready and will be mailed out on Monday, March 24, 2003. He shared a camera ready layout of the mailer with Council and invited them to review it after the meeting. The architects will make presentations on April 3, 2003 at the City Council Regular Meeting. Kerr noted that the web pages on the Town’s website that include the renderings and architects narrative are live and can be accessed.

Councilmember O’Malley commended Kerr for all of his efforts on this project. The Council concurred. O’Malley added that the Finance and Investment Committee has indicated that they would like to be more involved in the next stage of the project including the selection of the architect, the architect fees and cost estimates. He would like to bring a representative from this Committee into the process as it moves into this stage.

5.1.2 Undergrounding of Utilities – Committee Meeting Report

Councilmember Warshawsky reported that Duffy Price, Committee Member, had attended a meeting in Tiburon on March 10, 2003. She was able to garner a great deal of information and make personal contacts that will be valuable as the Committee moves

forward with this project. Warshawsky added that the Committee will meet with the Tiburon City Manager and City Engineer and attend a Tiburon City Council Study Session on Undergrounding on April 4, 2003.

5.1.3 Master Pathway Map – Committee Report

Councilmember O'Malley reported that his Committee had met again on Friday, March 14, 2003 and has scheduled another meeting for Friday March 21. They are reviewing the pathway map parcel by parcel. At this juncture they have not uncovered many errors. O'Malley added that the process is slow, but when completed, they will be able to support every path with a referenced parcel map, a tract map or a resolution.

5.1.4 View Protection Ordinance –Planning Commission Meeting Report

Planning Director Cahill reported to Council on his findings regarding the Tiburon View Ordinance. He noted that as the Tiburon Ordinance reads that pre-existing views are retroactive. The Tiburon Planning Director noted that this has not proven to be substantial problem for them and they only receive 2 or 3 complaints per year.

Cahill reported that the Planning Commission had reviewed the View and Sunlight Protection Ordinance at their last meeting. They have recommendations that they will be forwarding to the City Council. Cahill noted that the Commissioners were uncomfortable with the retroactive language defining a view and have recommended that view protection rights would take effect on the date it is adopted.

Staff asked Council for permission to circulate a Town-wide public hearing notice for the View and Sunlight Ordinance.

PASSED BY CONSENSUS: To schedule the View and Sunlight Protection Ordinance for a Public Hearing at the Regular City Council Meeting on May 1, 2003

5.2 Update on Status of LAGCo Refuse Agreement

City Manager Maureen Cassingham summarized the report and recommendations before Council on the extension of the franchise agreement with LAGCo for the purpose of refuse, recyclables and yard trimmings collection services. She noted that the agreement with LAGCo is due to expire September 30, 2003. Last year, following an extensive study that determined the rates being charged to residents for these services was very competitive, Council directed staff, joined by Councilmember O'Malley to begin negotiations with LAGCo. The Town hired Environmental Planning Consultants to assist with this process. They recently helped the Towns of Portola Valley and Woodside with their waste management contracts. Based on their knowledge of the cost of services offered to Portola Valley by LAGCo, Environmental Planning Consultants was able to suggest that LAGCo provide additional services to the Town at no additional cost.

City Manager Cassingham noted that LAGCo has proposed three service enhancements. They include monthly street sweeping, twice-a-year on-call cleanups to be scheduled by

the residential customer for special pick-ups of excess refuse or yard waste at their home, and the addition of a wider range of plastic containers to be considered as recyclables. Cassingham explained that the on-call pickups would be in lieu of the summer Town wide cleanup day which is the least patronized. In exchange for these enhancements offered at no additional cost to the customers, LAGCo has requested Council consideration of a five year contract extension, with an option for an additional five year period.

Cassingham added that outdated sections of the current Agreement as well as the services and compensation sections are being updated based on the on-going negotiations and she requested that Council authorize her and Councilmember O'Malley to finalize the negotiations and bring the Agreement before Council for approval in May with the effective date of the extension agreement being October 1, 2003.

Councilmember O'Malley commented that the Los Altos Garbage Company has been serving the Town for many years. The company has an understanding of the logistics of the Hills and Council and staff receive very few negative comments regarding their service. O'Malley added that he has been pleased with the negotiations and the addition of services without an increase in rates. It was noted that residents can request more bins free of charge from LAGCo.

Councilmember Kerr asked if the recycling will be picked up each week or remain on a bi-monthly schedule under the new Agreement.

Councilmember O'Malley explained that this service will not change but that the contract can be modified at any time if there is enough interest in a specific program. Any change could impact the rate.

PASSED BY CONSENSUS: To authorize the City Manager to finalize negotiations with the Los Altos Garbage Company for continued garbage, recyclables and yard trimmings collection services and return the Agreement to Council for approval in May, 2003.

Mayor Pro Tem Cheng congratulated Cassingham and O'Malley for their productive negotiations.

Joe Renati, consultant to LAGCo introduced Dan Day, new Regional Manager for LAGCo and Rich Lanser, LAGCO Controller, to Council.

Mayor Fenwick thanked them for the good service they provide the Town.

6. NEW BUSINESS

6.1 Approval of Mid-Year Budget Adjustments Reso #19-03

Administrative Services Director Sarah Joiner introduced this item to Council noting that it is a request to amend the Operating and Capital Improvement Program Budget to reflect recommended mid-year adjustments. Joiner stated that staff had analyzed the status of revenues and expenditures through March 5, 2003 for all funds and made projections through June 30, 2003. Increases in expenditures for current operations have been identified and in addition, staff is recommending \$60,000 for emergency repairs to reinforce the second floor of the Corporation Yard. Total Town reserves are projected to be \$306, 456 less than reserves projected for June 30, 2003 in the original budget.

Joiner added that staff is recommending that the 2.1% cost of living increase be delayed for the balance of this fiscal year. Staff is recommending that this adjustment be given to employees along with the cost of living adjustment for the current year effective July 1, 2003, Town resources permitting.

Joiner explained for Council the attachments to her report. They reflect an overview of where the reserves are expected to be at the end of the year and a summary of the changes in revenue, expenditures and transfers.

Joiner stated that she had presented the Mid-Year Budget to the Town's Finance and Investment Committee on March 10, 2003 and they had recommended approval.

Councilmember O'Malley, Finance Committee liaison, reported that the Finance Committee had approved the report. The Committee is very concerned with the potential actions that could be taken by the State to resolve the Budget crisis that could impact the Town's revenues.

The City Manager commented that the State Budget maybe delayed as late as October, 2003.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Cheng and passed unanimously to approve the mid-year budget adjustments to the Operating and Capital Improvement Program Budgets for Fiscal Year 2002-2003.

6.2 Consideration of Special Meeting of City Council and Finance Investment Committee – Study Session to Review the Operating and Capital Improvement Program Budgets for Fiscal Year 2003-2004

PASSED BY CONSENSUS: To schedule a study session with the Finance and Investment Committee for May 1, 2003 at 5:00 pm before the Regular City Council Meeting.

6.3 Discussion of Goldman Architect Charges

Administrative Services Director Joiner explained that Council had before them a recently submitted invoice from Goldman Architects. It is being brought to Council's

attention because Council had directed Goldman Architects to stop work on the Town Hall project effective November 6, 2002. Goldman submitted an invoice for work completed and reimbursable expenses on November 17 that reflected his billings through November 6, 2003. The invoice was for \$204,088.34. Joiner noted that information regarding these payments for invoices submitted through November 17 is shown as Attachment I to her report.

The newly submitted invoice dated February 17, 2003 in the amount of \$27,749.37 is for invoices not previously billed. Joiner noted that staff is concerned by the lateness of this billing. She added that the invoice was unexpected, some supporting documents were not complete and some charges could not be identified as related to the Town Hall project.

Council reviewed the analysis of payments to Goldman Architects and the analysis of the most recent invoice provided by Joiner.

PASSED BY CONSENSUS: To direct staff to request clarification and documentation from Goldman Architects regarding the recently submitted invoice and to return to Council for approval of payment of the February 17, 2003 invoice.

6.4 Discussion of Bay Area Quality Management Model Ordinance Pertaining to the Reduction of Air Pollution by Regulation the New Construction of Woodburning Appliances

Mayor Fenwick explained that he had brought this item to Council's attention because it is an issue that impacts him with smoke from his neighbor's fireplace drifting up to his house.

City Manager Cassingham suggested that the model ordinance contained in the Council's packet could be referred to staff for review in the context of the Town's requirements. Cassingham added that the enforcement aspects of the model ordinance maybe particularly difficult to apply and staff may want to review it further to ensure that it is applicable to our Town's needs.

Councilmember O'Malley stated that he would be interested in how Woodside, Portola Valley and Saratoga are approaching this issue. He questioned what the enforcement issues would be.

Planning Director Carl Cahill explained that enforcement would not be a problem for new residences or major additions. However, it would be difficult to monitor and enforce the wood-burning ban on spare-the-air days or the prohibition of burning of plastics and garbage.

PASSED BY CONSENSUS: To direct staff to survey what similiar communities are doing with regards to the issue of wood burning appliances and return to Council at a later date with the report.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Mayor Fenwick reported that he had joined Mayor Pro Tem Cheng, Planning Director Cahill, Assistant Planner Debbie Pedro, City Attorney Steve Mattas, Consultant Deborah Ungo-McCormick, former Councilmember Elayne Dauber and resident Dot Schreiner for the Housing Element Subcommittee's initial meeting. Fenwick added that it had been a very productive meeting.

Planning Director Cahill summarized the meeting. He noted that the Town has received comments from the State Department of Housing and Community Development on the Town's Housing Element Update. Primary criticism from the Department is that the Town lacks a sufficient number and variety of affordable housing. The Subcommittee has agreed on several new policies to address this issue and Deborah Ungo-McCormick will draft the response. The Subcommittee will bring the response to Council for approval and then forward it to the State for their review and certification.

Mayor Pro Tem Cheng commented that she was very pleased with the meeting and the outcome.

8. STAFF REPORTS

8.1 City Manager

8.1.1 Report on Town Website – Vision and Architecture

City Manager Cassingham summarized her report for Council on the development of the Town's information technology systems. She explained staff has been contacted by individual Councilmembers, a number of Town Committee members and Town organizations regarding their ideas and requests for the website. With so much interest, staff is seeking direction from Council to address their priorities and would appreciate a Council Subcommittee being established with two or three volunteers to draft a vision statement and strategic plan.

Councilmembers Kerr and O'Malley volunteered to serve on the Committee.

Cassingham added that the managerial staff would be visiting Palo Alto tomorrow to review the Geographic Information System (GIS) demonstration.

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

10. PRESENTATIONS FROM THE FLOOR

OPENED PUBLIC COMMENT

CLOSED PUBLIC COMMENT

11. PUBLIC HEARING

- 11.1 Lands of Corrigan, 13341 Robleda Road, A request for Site Development Permit and review of an Initial Study and Mitigated Negative Declaration for replacement of an existing driveway and bridge

Planning Director Cahill introduced this item to Council. He reported that the Planning Commission had reviewed this request at their last meeting and recommended approval. The applicant has worked closely with the Department of Fish and Game to mitigate any negative environmental impact the project could potentially have. Cahill added the existing culvert structure in the drainage swale would be replaced with a three-sided bridge. This is the environmentally preferred application when a creek is involved.

OPENED PUBLIC HEARING

Susan Roberts of Guiliani and Kull, civil engineer for the project, addressed Council. She explained that when the residence was approved in 2000, a conceptual driveway plan was included in the approval. The request before Council this evening for approval is the formalization of that plan. She added that the project has received permits from the Department of Fish And Game.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Cheng, seconded by O'Malley and passed unanimously to approve a request for a site development permit and review of an Initial Study and Mitigated Negative Declaration for replacement of an existing driveway and bridge, Lands of Corrigan, 13341 Robleda Road.

Council adjourned to Closed Session at 7:45 pm.

12. CLOSED SESSION:

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING
LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of
Los Altos Hills

The City Council considered the item listed on the closed session agenda and provided direction to staff.

Council reconvened into Open Session at 8:36 p.m.

There was no action taken.

13. ADJOURNMENT:

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to adjourn the Regular City Council Meeting at 8:37 pm.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the March 20, 2003 Regular City Council Meeting were approved at the Regular City Council Meeting of April 3, 2003.